

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

GERARDO JIMENEZ-SANCHEZ

CRIMINAL COMPLAINT

Case Number:

MJ-11-415 JJK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 16, 2011, in Dakota County, in the State and District of Minnesota, defendant(s) an alien, who had previously been deported from the United States on or about January 8, 1999, subsequent to a conviction for a felony, namely: possession of cocaine, in the State of California, on or about May 8, 1997, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(1).

I further state that I am a(n) Lead Border Patrol Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

10/7/11

The Honorable Jeffrey J. Keyes
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Complainant

Steven A. Sullivan

U.S. Customs and Border Patrol

St. Paul, MN

City and State

SCANNED

OCT 13 2011

U.S. DISTRICT COURT ST. PAUL

Signature of Judicial Officer

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF STEVEN A. SULLIVAN
COUNTY OF RAMSEY)

I, Steven A. Sullivan, being duly sworn under oath, depose and state as follows:

1. I am a Lead Border Patrol Agent (LBPA) with United States Customs and Border Protection (CBP), Office of Border Patrol (OBP) and have been so employed since June of 1998. I graduated from the United States Border Patrol Academy at the Federal Law Enforcement Training Center in Glynco, Georgia. I hold a bachelor's degree from Texas A&M University, College Station. Further I am a permanent member of the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Document and Benefit Fraud Task Force (DBFTF).

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and therefore contains only a summary of the relevant facts.

3. In 2008, Minnesota Driver and Vehicle Services (DVS) ran a facial recognition software program on all Minnesota driver's license and identification cards. This action by DVS was based on a one-time facial recognition comparison study conducted by a third-party on behalf of DVS to detect fraud. In 2009, ICE/HSI agents submitted an immigration subpoena to Minnesota Driver Vehicle Services (DVS) regarding persons who the DVS had identified as having applied for and received multiple driver licenses or identification cards under different identities (different name and/or date of birth). Based on past practices by illegal aliens, it was believed that these subjects with multiple documents of identity may be present in the United States illegally.

Investigators received approximately six-thousand persons with at least one additional identity. Through this immigration subpoena, Gerardo JIMENEZ SANCHEZ was identified as a person residing in the state of Minnesota who applied for and received multiple Minnesota state driver licenses under the names Eduardo SEIN (MN DL#: S500186001739), with the most recent application for a driver license in 2001 and Gerardo JIMENEZ SANCHEZ (MN DL#: D184033201313), with the most recent application for a driver license in 2008. Eduardo SEIN (MN DL#: S500186001739) and Gerardo JIMENEZ SANCHEZ (MN DL#: D184033201313) are one and the same person. This act is a felony in the state of Minnesota under Minnesota statute 609.625 Subd.1(3), Aggravated Forgery and a misdemeanor under Minnesota Statute 171.22 Subd.1(4) Unlawful Acts Relating to a Driver License/Making a False Statement.

4. On April 14, 2011, Gerardo JIMENEZ SANCHEZ (091 634 959) was found within the National Criminal Information Center (NCIC) index as a Mexican national with a felony conviction who had been deported to Mexico on or about January 9, 1999, for a controlled substance violation INA 212a2A(i)(1), in the state of California. Additionally, a review of JIMENEZ SANCHEZ' Alien file, 091 634 959 confirmed that on December 27, 1999, Jimenez Sanchez made a second successful illegal entry through the Hidalgo Port of Entry, Texas by making a false claim to U.S. citizenship. Two days later on December 29, 1999, United States Border Patrol agents, at the Falfurrias, Texas immigration checkpoint interviewed JIMENEZ SANCHEZ. JIMENEZ SANCHEZ initially claimed U.S. citizenship again to Border Patrol agents and presented a birth certificate and Social Security Card with the name Eduardo SEIN. JIMENEZ SANCHEZ later recanted his statement and admitted to Border Patrol agents that he was

a citizen and national of Mexico, illegally present in the United States. JIMENEZ SANCHEZ was subsequently charged and found guilty for 8 USC 1325(a)(1) in the Southern District of Texas, McAllen Division.

5. Contained within JIMENEZ SANCHEZ' immigration file is a copy of his Mexican birth certificate. JIMENEZ SANCHEZ is a citizen of Mexico. On July 12, 2011, Field Office Director Sharon Dooley verified through a Certificate of Non-Existence Record that Gerardo JIMENEZ SANCHEZ (091 634 959), a Mexican citizen, with the birth date of 01/05/1965, is not a citizen, Legal Permanent Resident (LPR), or national of the United States, has no pending immigration claims on his behalf, and has not received permission from the Attorney General to apply for readmission to the United States since the time of his last removal.

6. On June 16, 2011, Special Agent (SA) Wespetal conducted surveillance at 505 Connelly Lane, Burnsville, Minnesota. This is the same address listed on JIMENEZ SANCHEZ' Minnesota Driver License. At approximately 1630 hours Special Agent (SA) Wespetal observed JIMENEZ SANCHEZ outside 505 Connelly Lane, Burnsville, Minnesota. At that time SA Wespetal compared several copies of JIMENEZ SANCHEZ' photographs from Alien file 091 634 959, as well as the Minnesota DVS photographs of Eduardo SEIN (MN DL#: S500186001739) and Gerardo JIMENEZ SANCHEZ (MN DL#: D184033201313) and confirmed that JIMENEZ SANCHEZ was living 505 Connelly Lane, Burnsville, Minnesota.

7. On April 21, 1988, JIMENEZ SANCHEZ was assigned FBI number 532297DA3 for his biometric fingerprint submissions taken by the Immigration and Naturalization Service. This unique identifier matching the biometric fingerprint number

created by the FBI is the same biometric fingerprint identifier for all crimes and administrative violations committed thereafter by JIMENEZ SANCHEZ and any other identities he has used. It is documented that JIMENEZ SANCHEZ has one (1) felony conviction for possession of a controlled substance in California, one (1) conviction for 8 USC 1325 in Texas, two (2) misdemeanor convictions in California (Battery and False ID to Police), and nine (9) misdemeanor convictions in Minnesota (one (1) Driving While Intoxicated 3rd degree, one (1) Criminal Vehicular with Injury, and seven (7) Driving After Cancellation). JIMENEZ SANCHEZ also has an active Warrant in the state of California (non-extraditable) for narcotics. In 1999, JIMENEZ SANCHEZ admitted to Federal agents, that he purchased fraudulent documents (MN driver license and Social Security Card) under the name Eduardo SEIN when arrested, after making a false claim to U.S. citizenship.

8. I have reviewed A File 091 634 959 related to Gerardo JIMENEZ SANCHEZ and contained within the A File is documentation establishing that the defendant is an alien, that he is a citizen of Mexico, that he was last deported from the United States on or about January 8, 1999, and that he has not sought permission to re-enter the United States since his last removal.

9. Based on my knowledge and understanding of Immigration laws and regulations, Gerardo JIMENEZ SANCHEZ violated Title 8, United States Code, Section 1326(a) and (b)(1), in that he re-entered the United States without permission after being deported subsequent to a conviction for a felony offense.

Further your affiant sayeth not.

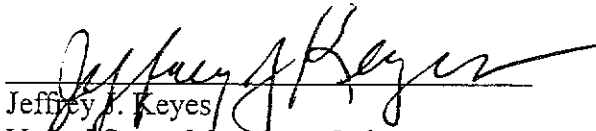
Dated: October 7, 2011



Steven Sullivan
Lead Border Patrol Agent
Office of Border Patrol

Subscribed and Sworn to Before Me

This 7th Day of October, 2011,



Jeffrey J. Keyes
United States Magistrate Judge
District of Minnesota